United Nations A/C.5/63/SR.19

General Assembly
Sixty-third session

Official Records

Distr.: General
22 January 2009

Original: English

Fifth Committee

Summary record of the 19th meeting
Held at Headquarters, New York, on Thursday, 20 November 2008, at 10 a.m.

Chairman: Mr. Bródi ..... (Hungary)
Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile

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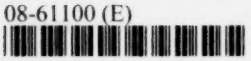
08-61100 (E)



The meeting was called to order at 10.10 a.m.

Agenda item 129: Administration of justice at the United Nations (A/62/7/Add.39, A/62/748 and Corr.1 and A/62/782; A/C.5/62/27; A/63/132, A/63/211, A/63/253, A/63/283, A/63/314 and A/63/545; A/C.5/63/9)

1. **Ms. Kane** (Under-Secretary-General for Management), introducing the reports of the Secretary-General on administration of justice (A/62/748 and Corr.1, A/62/782, A/63/211 and A/63/314), said that reform of the internal justice system was a priority for the Organization and responded to a strongly felt need, as had been recognized by the General Assembly when it had decided to establish a new system of administration of justice (resolution 61/261) and when it had agreed on the key features of such a system, including the new United Nations Dispute Tribunal and United Nations Appeals Tribunal (resolution 62/228). The new system would help the Organization to fulfil its responsibility to promote a harmonious working environment through the fair and efficient handling of internal disputes, which was just as important for management as for staff. In addition to offering a professional system of justice, the new framework would strengthen accountability and would encourage better management practices.

2. The Assembly's decision that the new system should be implemented on 1 January 2009 had been based on the assumption that decisions on the statutes of the new Tribunals and on transitional measures would be taken before the end of the sixty-second session. However, owing to the heavy workloads of the Fifth and Sixth Committees at that session, no decisions on the statutes or transitional measures had been taken. In the meantime, the Secretariat had worked diligently to prepare for the new system. Extensive consultations had been held on job descriptions and vacancy announcements, all of which had now been posted on the Galaxy system. The Internal Justice Council had been established and had been supported by the Secretariat. Several working groups were tackling different aspects of the preparations. Nonetheless, implementation of the new system was behind schedule. Some crucial elements could be completed only after the requisite decisions had been taken by the General Assembly and the judges of the new Tribunals had been appointed. In that context, a start date of January 2009 was not realistic.

3. It was therefore necessary to ensure that the current system remained functional until the new one was ready to be implemented. The Secretariat was already making preparations in that regard. The capacity of the United Nations Administrative Tribunal needed to be maintained, and the General Assembly would need to take exceptional measures to ensure that certain members of the Tribunal whose terms were due to expire at the end of 2008 could continue in their functions.

4. The report contained in document A/62/782, which had been prepared for the resumed sixty-second session, responded to requests from the General Assembly for additional information and sought the Assembly's approval of the statutes of the two new Tribunals. It also presented the Secretary-General's proposal on transitional measures which would allow a smooth shift from the current system to the new one. The report contained in document A/62/748 responded to requests from the Sixth Committee and presented similar information.

5. The statutes were the legal foundation of the new system, and she looked forward to their adoption at the main part of the current session. The Sixth Committee had recently agreed on most of the text of the draft statutes but had taken the view that a number of matters should be decided by the General Assembly following the recommendation of the Fifth Committee.

6. One of those matters was how to handle the large number of cases that would not be resolved in the current system before the transition to the new system took place. The Secretary-General's proposal was to transfer all cases pending in the current system, whether before the joint bodies or the United Nations Administrative Tribunal, to the United Nations Dispute Tribunal, which would be strengthened for one year by three ad litem judges and additional Registry staffing with a view to clearing the backlog.

7. That proposal had a number of advantages. First, since the Dispute Tribunal had three branches, each served by a Registry to which the cases could be distributed, the burden of the backlog would not fall on a single body and the cases could be considered with maximum efficiency. Second, since three of the Dispute Tribunal judges and the ad litem judges would serve on a full-time basis, they would be able to address more cases than the joint bodies or the United Nations Administrative Tribunal, which did not operate

on a full-time basis. Third, there would be no need to maintain two parallel systems. If the backlog had not been cleared by the ad litem judges within a year, the remaining cases would be transferred to the Dispute Tribunal and staffing could be enhanced on the basis of requirements. The current proposal was supported by the staff, who had clearly indicated their preference for full transition to the new system as soon as possible.

8. The report contained in document A/63/314 responded to requests made by the General Assembly in its resolution 62/228 and included a description and explanation of the various options for the delegation of authority for disciplinary matters. The Secretary-General's preference was to proceed with limited delegation of authority in a phased manner, beginning with a number of peacekeeping operations. She looked forward to receiving Member States' guidance with regard to the proposal, which also now needed to be considered in the context of a possible delay in the implementation of the new system. The Secretary-General also requested Member States' approval of revisions to the Staff Regulations and the conditions of service of the judges in the new system.

9. Turning to the report on the work of the Joint Appeals Board during 2006 and 2007 and statistics on the disposition of cases and work of the Panel of Counsel (A/63/211), she said that statistics compiled since the report's issuance showed that the number of applications received by the Administrative Tribunal had increased significantly, from a total of 49 for the whole of 2007 to 80 thus far in 2008. If that rate was maintained until the end of the year, the total number of applications received in 2008 would be more than double that of the previous year.

10. The number of cases being considered by the Panel of Counsel, the Administrative Law Unit, the Joint Appeals Boards and the Joint Disciplinary Committees had also increased. Significant efforts would be required in order to dispose of as many cases as possible and to ensure that adequate arrangements were in place for the transition from the current system to the new one.

11. The introduction of the new system of administration of justice was an important management reform with many stakeholders: Member States, the Secretariat, the funds and programmes and, most of all, the staff of the United Nations. The fact that the necessary arrangements were almost complete showed that, when everyone worked together with a common goal in mind, great successes could be achieved. The final hurdles must now be overcome so that the new system could be implemented in 2009.

12. **Mr. Barkat** (Ombudsman), introducing the report of the Secretary-General on the activities of the Ombudsman (A/63/283), thanked the Committee for its support for the Office of the Ombudsman and said that the Office would make every effort to implement its new mandate swiftly and efficiently. The report covered the Office's activities during the period from 1 August 2007 to 31 July 2008 and contained observations on systemic issues based on cases handled by the Office during that period. It also provided an overview of the transitional measures being developed with respect to the establishment of a single integrated and decentralized office, as mandated by the General Assembly in its resolution 62/228.

13. Since his appointment seven months previously, he had had the opportunity to address both staff and management in various forums at Headquarters and in the field. Such exchanges were useful for raising awareness of the Office's mandates and services, assessing the needs and concerns of the various constituencies in the Organization and building trust and confidence in both the formal and the informal components of the revamped system. There was a strong sense of duty and commitment among staff throughout the Organization and a firm belief in the ideals and values of the United Nations. There was also a prevailing view that the new system of administration of justice must be more transparent, efficient, comprehensible and accessible to all. The Office's efforts were geared towards encouraging staff to solve problems informally, confidentially and impartially and to use the Office to help defuse tensions before they turned into more protracted conflicts.

14. Chapter IV of the report dealt with statistics. The number of cases brought to the Office's attention had increased steadily and had reached a total of 670 during the reporting period. In other words, staff were increasingly using the informal system to address their grievances. The time taken to resolve cases depended on the scope and complexity of the issues raised and on whether mediation or intervention was required.

15. With regard to gender distribution, 52 per cent of the cases had been initiated by men and 47 per cent by women. Most cases originated either from peacekeeping

missions (39 per cent) or offices away from Headquarters (34 per cent). Approximately 47 per cent had been initiated by staff members in the Professional and higher categories. Future reports would contain further analysis of the possible causes and implications of those trends.

16. As in the past, the issue most commonly raised by staff was career progression and development, which accounted for about 23 per cent of the cases brought to the attention of the Ombudsman during the reporting period. Interpersonal issues accounted for 18 per cent of cases, while conditions of service accounted for 15 per cent. Other issues, such as separation and termination, entitlements and violations of standards of conduct, each accounted for 10 to 13 per cent of the cases.

17. Chapter V of the report recalled some of the systemic issues addressed and recommendations made in previous reports and provided an overview of systemic issues identified during the reporting period, including perceived disparities in recruitment processes and mobility and career development issues, particularly those affecting staff recruited through the G-to-P examination and the national competitive examination.

18. He welcomed the report of the Secretary-General on measures taken to address seven systemic human resources issues which had been raised by the Office of the Ombudsman in the context of the reform of the internal system of administration of justice (A/63/132). The Office of the Ombudsman interacted regularly with the Office of Human Resources Management and with senior managers and staff associations across the Organization on specific and systemic issues, and would continue to do so.

19. Chapter VI of the report on the activities of the Ombudsman related to the measures approved by the General Assembly at its sixty-second session to strengthen the capacity and reach of the Office of the Ombudsman. The first component was the creation of a single, integrated and geographically decentralized structure that served the Secretariat, funds and programmes. As requested by the General Assembly, the Office of the United Nations Ombudsman, the Office of the Joint Ombudsperson and the Office of the Mediator of the Office of the United Nations High Commissioner for Refugees (UNHCR) had intensified their coordination and cooperation with a view to enhancing the complementarity of their roles and services. Those efforts were also geared towards the harmonization of standards of practice, data-collection methodology and reporting mechanisms. The use of common systems would make it possible to compile and compare data and to identify trends and cross-cutting areas. The integrated Office was currently analysing previous reports with a view to the future production of joint reports highlighting the salient issues in each of the entities served by the integrated Office.

20. The Office was also updating its communication tools and restructuring its website in the six official languages in order to reflect the new functions and services provided. The ongoing decentralization of services and the creation of a Mediation Division would require intensified outreach and communication efforts, both internally and externally, in order to raise awareness of the new and expanded structure of the Office and how best to use it.

21. At the request of the General Assembly, the Office's terms of reference were currently being revised in order to incorporate the new elements of the reform mandated by the Assembly. After consultations with key stakeholders, including staff representatives and management, the revised terms of reference would be promulgated in a new Secretary-General's bulletin, in accordance with established procedures.

22. The second component of the reform of the Office was the creation of regional branches in Bangkok, Geneva, Nairobi, Santiago and Vienna, as well as in the peacekeeping missions in the Democratic Republic of the Congo and the Sudan. All new posts in the regional branches had been classified and advertised. Applications for the positions of Regional Ombudsman and related positions were being reviewed and candidates would be interviewed in the near future. In the context of preparations for the establishment of the regional offices, he had met staff and management representatives based in Nairobi, Vienna and Geneva, and similar meetings would be held in Santiago, Bangkok, Khartoum and Kinshasa in the coming months.

23. The third component of the reform was the establishment of a Mediation Division within the Office of the Ombudsman in New York to provide formal and informal mediation services to United Nations and related personnel. Some senior positions

in the Division had been advertised. The Office was also developing guidelines and operating procedures for the Division on the basis of extensive consultations with key stakeholders in the administration of justice system, including staff representatives and management. It was expected that candidates for the roster of mediators would be identified in the first quarter of 2009. In the meantime, existing staff could handle mediations as needed.

24. Chapter VII of the report, entitled "Future directions", identified the areas that would require particular attention in the year ahead, including efforts to ensure consistency in practices and principles within the integrated Office; clarification of the roles of the various mechanisms available for conflict resolution; provision of quality mediation services to staff of the Secretariat and the funds and programmes; and close monitoring of the overall performance of the integrated Office. In addition, the new decentralized structure would require added oversight and coordination. Consideration would be given in the coming months to the best way of addressing those tasks.

25. **Mr. Kelapile** (Vice-Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the reports of the Advisory Committee on the administration of justice (A/62/7/Add.39 and A/63/545), said that, in the first of the two reports, the Advisory Committee recommended approval of the transitional measures proposed by the Secretary-General, including the transfer of all pending cases to the United Nations Dispute Tribunal once the new system was in place. The Committee also recommended approval of the strengthening of the Dispute Tribunal in order to address those cases, through the addition of three ad litem judges for a 12-month period following the establishment of the Tribunal.

26. Turning to the Advisory Committee's second report, he noted that, despite the additional resources provided by the Assembly for the purpose of clearing the backlog of cases prior to the implementation of the new system, progress had been affected by the exceptionally large number of new cases filed in the first half of 2008, in particular disciplinary cases. It was necessary to monitor and analyse such trends and to address the backlog as a matter of urgency, using the available resources as efficiently as possible.

27. The Secretariat was behind schedule in the preparatory work related to the implementation of the new system of internal justice, partly because of the lack of staff in the Office of Administration of Justice and partly because the statutes of the new Tribunals had not yet been adopted. None of the 30 posts authorized for the Office had been filled. Given those and other delays, the new system of administration of justice might not be ready for implementation as envisaged in January 2009. Every effort should be made to complete the required preparatory work as a priority issue, and the Secretary-General should be requested to update the timeline for the implementation of the new system. In addition, the timely appointment of the Executive Director of the Office of Administration of Justice was particularly important in order to provide the necessary leadership in the preparatory work and to ensure that the new system could be launched as soon as possible. The Advisory Committee recommended that the Secretary-General should be requested to make the necessary preparations to ensure that the existing system could continue to function in a satisfactory manner in the meantime.

28. With regard to cost-sharing arrangements, the Advisory Committee did not agree with the suggestion of the funds and programmes that cost-sharing arrangements should be determined on the basis of actual cases disposed of rather than the total number of staff, or "headcount". Such a method raised a number of practical difficulties, including the question of when the actual share of costs would be known and how provision for such costs would be made in the respective budgets of the entities concerned. In the light of the General Assembly's decision to approve the Secretary-General's proposal for a cost-sharing arrangement based on the total number of staff members in the Secretariat and the funds and programmes, the Advisory Committee recommended that the Secretary-General should be requested to pursue and conclude discussions on an arrangement based on headcount.

29. Turning to the question of the delegation of authority for disciplinary matters, he noted that the Secretary-General was proposing limited delegation of authority to heads of offices away from Headquarters and heads of mission to impose minor sanctions, while the authority to impose more severe sanctions would remain with the Under-Secretary-General for Management. That system was to be phased in,

beginning with selected peacekeeping operations. The Secretary-General had also indicated that certain prerequisites must be in place prior to the implementation of the proposed limited delegation of authority, including the formulation of a concrete proposal on the imposition of fines and/or censures; specification of the roles and responsibilities of the various entities involved in investigations; clarification of the type and timing of legal assistance to be provided to staff members; and finalization of the procedures related to the new mechanisms of the disciplinary process.

30. The Advisory Committee considered that the Secretary-General's proposals did not fully respond to the General Assembly's request in its resolution 62/228, in that they did not provide an assessment of possible implications for due process rights of staff members or options for delegation of authority for disciplinary measures. Further efforts were required to explore other options for managing disciplinary cases, with a fuller analysis of the advantages and disadvantages of each option. The Advisory Committee therefore recommended that the Secretary-General should be requested to submit a new proposal to the General Assembly at its resumed sixty-third session, including a variety of options, with full costing.

31. The Advisory Committee had also commented in its reports on other matters covered in the Secretary-General's reports, such as the scope of the new system, the payment of an honorarium for judgements to be completed by the United Nations Administrative Tribunal in 2008, the conditions of service of judges in the new system of internal justice, mechanisms for the formal removal of judges, a staff-funded scheme for legal assistance for staff and possible uses of information and communication technology in the administration of justice system.

32. The Advisory Committee also noted that a number of items on which the Secretary-General had been requested to report had been included in the draft statutes of the Tribunals. In that connection, it noted that the draft statutes, as adopted by the Sixth Committee (A/C.5/63/9), had recently been forwarded to the Chairman of the Fifth Committee by the President of the General Assembly. The expeditious adoption of the statutes of the Dispute and Appeals Tribunals was of critical importance.

33. With regard to the Secretary-General's report on the activities of the Ombudsman (A/63/283), the Advisory Committee emphasized the need to issue the revised terms of reference for the Ombudsman, which should take into account the changes in functions, presence and proposed locations, as requested by the General Assembly. In the light of the Ombudsman's comments concerning the overlap and lack of clarity in the role of the Office of the Ombudsman and that of other offices, such as the Ethics Office, the Advisory Committee urged the Secretary-General to clarify the respective roles and responsibilities of those Offices and to update the information circular on conflict resolution as a matter of priority.

34. With regard to the Ombudsman's ongoing efforts, in collaboration with the funds and programmes, to develop an appropriate structure for the future joint report, the Advisory Committee believed that it would be helpful if future reports included monthly data and analysis for the relevant period, as well as statistical information on cases and analysis of data and trends over a five-year period or longer. Consideration should also be given to ways of measuring the effectiveness of the interventions of the Ombudsman.

35. Lastly, the strengthened Office of the Ombudsman and the new Mediation Division were key elements of the new internal justice system, which should be instrumental in facilitating the early resolution of conflicts in the United Nations. Both the formal and the informal components of the system of internal justice must be effective in order to ensure that cases were disposed of in a fair and timely manner.

36. **Mr. Kisambira** (President of the United Nations Staff Union) said that he welcomed the opportunity to present the views of the United Nations Staff Union, the Field Staff Union and the Staff Coordinating Council of the United Nations Office at Geneva on administration of justice, as set out in the report on views of the staff representatives of the United Nations Secretariat (A/C.5/63/3/Add.2).

37. Expressing serious concern that the Secretary-General had failed to fill the posts required for the new internal justice system, particularly in the Office of Administration of Justice, and that such failure might be presented as an excuse for delaying its implementation, he said that the staff were eager for the new system to come into effect on 1 January 2009, as agreed by the General Assembly, especially since it

had already been deferred for one year to allow enough preparatory time before implementation.

38. The Organization's current system of administration of justice, which was ineffective and lacking in professionalism, as recognized in General Assembly resolution 61/261, denied United Nations staff members access to the justice ordinarily applicable in the host country, in breach of the provisions of Article III of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations. The Secretary-General's failure to meet his responsibilities in a timely manner contrasted with the Internal Justice Council's success in expeditiously advertising for, examining, vetting and recommending judges, as set out in its report (A/63/489). In view of the Council's effectiveness and independence, it should also have been mandated to interview and vet all the candidates for posts in the new administration of justice system, including that of Executive Director of the Office of Administration of Justice. To ensure that the new system could be implemented as of 1 January 2009, the Committee might therefore wish to consider requesting the Internal Justice Council to interview, vet and recommend candidates for the remaining vacant posts in the Office of Administration of Justice or offering such vacant posts, on an interim basis, to the remainder of the candidate judges recommended by the Council, after the judges for the two new Tribunals had been selected. If the United Nations failed in its efforts to implement the new internal justice system by 1 January 2009, the Committee should perhaps ask the Secretary-General to allow United Nations staff to avail themselves of the jurisdiction of the federal, state and local law of the United States, in accordance with the headquarters agreement.

39. Given that the General Assembly, in its resolution 62/228, had asked the Internal Justice Council to submit its views on the implementation of the administration of justice system, the Council must be provided with the resources to investigate and report back on the functioning of the system not only in New York and Geneva, but also in Nairobi, Bangkok and Santiago. In about a year's time, it should be able to interview the judges, their staff and the staff representatives to assess the performance of the new system and present an interim report to the General Assembly.

40. The staff representatives were also seriously concerned about the lack of provisions for sanctioning or removing judges and suggested that the Committee might wish to consider assigning that role to the Internal Justice Council, to ensure the independence of the new administration of justice system. It was, after all, only fitting that judges should be removed via the same mechanisms by which they were appointed.

41. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that the Group attached great importance to the issue of administration of justice, which was an integral part of an effective human resources management system and could not be separated from any process of reforming that system. While the issue — in particular the deficiencies of the current system, the backlog of cases, and problems relating to the lack of accountability and transparency — had been on the Committee's agenda for many years, General Assembly resolutions 61/261 and 62/228 defined the key features of a new administration of justice system and provided a clear road map for its development. The Group, regretting the numerous delays and the many tasks still outstanding, renewed its commitment to work hard to achieve the implementation of the new system in January 2009, although it noted the comment of the Under-Secretary-General for Management that a start date of 1 January 2009 was no longer realistic. It remained deeply concerned that none of the new posts approved in December 2007 had been filled, especially the position of Executive Director of the new Office of Administration of Justice, which had been intended to facilitate and coordinate the establishment of the new system. Outstanding issues regarding the statutes of the Dispute and Appeals Tribunals and the appointment and renewal of the new judges would need to be finalized as a matter of priority if the new structure was to be implemented by the beginning of 2009.

42. Noting that the Internal Justice Council played an important role in recommending the judges on which the quality of the formal system depended, the Group of 77 and China believed that the final appointment of judges to the Tribunals should remain a prerogative of the General Assembly. The Group endorsed the Secretary-General's proposals for the compensation of judges, as set out in his report on administration of justice at the United Nations (A/63/314), considering that attractive remuneration was needed to recruit highly qualified legal practitioners.

43. With regard to transitional arrangements, it was clearly important to agree on temporary measures that would allow for a smooth transition from one system to the other, without placing an excessive burden on the new structures. In particular, the Group supported the Advisory Committee's recommendation to approve the Secretary-General's proposal to strengthen the United Nations Dispute Tribunal by adding three ad litem judges for a 12-month period following the Tribunal's establishment, with a view to clearing the backlog.

44. Noting the Advisory Committee's concern about the delegation of authority, as well as the fact that the administrative instruction on the disciplinary process could not be finalized until the General Assembly had taken a decision on the policy regarding limited delegation of authority, the Group concurred with the Advisory Committee on the need for effective monitoring and adequate guidance on the delegation of authority for disciplinary cases; clear consequences for any failure to duly exercise such delegated authority; and clearly defined lines of accountability. The issue must therefore be discussed without further delay, in order to gain a better understanding of the proposals to replace the Joint Disciplinary Committees with the United Nations Dispute Tribunal, pursuant to General Assembly resolution 61/261.

45. The Group believed that a well-resourced formal system of justice was vital. It had endorsed the General Assembly's approval of the cost-sharing arrangement proposed by the Secretary-General in his report on the administration of justice (A/62/294), which was based on the headcount in the Secretariat and the funds and programmes. Noting the differences of opinion with the funds and programmes in that regard, it expected the Secretary-General to exercise his leadership to conclude negotiations expeditiously and reach an agreement with the funds and programmes based on headcount, as originally envisaged.

46. It also supported reinforcing the informal system so as to avoid overburdening the formal system. It therefore believed that a strengthened Office of the Ombudsman and the new Mediation Division were key elements of the new internal justice system, which should facilitate the early resolution of conflicts in the United Nations. A structured, strong and decentralized Mediation Division, managed by professionally qualified personnel, would exercise a core function of the system that would help solve most problems in a cost-efficient and timely manner. The Group therefore urged the Office of the Ombudsman to complete the process as a matter of priority and issue its own terms of reference as soon as possible.

47. Noting the Secretary-General's proposed revisions to regulations 10.1 and 11.1 of the Staff Regulations, which would come into effect simultaneously with the implementation of the new system, the Group concurred with the Advisory Committee that the proposed amendments were contingent upon the adoption of the statutes of the Tribunals and/or the procedures for dealing with disciplinary cases.

48. With regard to the Secretary-General's proposal regarding the use of information and communication technology to improve the functioning of the administration of justice system, it was essential for the new system to protect the confidentiality of the parties involved in ongoing cases and to provide appropriate safeguards to address the issue of leaks. In that connection, it was especially important to protect the reputation of staff members, in particular those subsequently found to have been wrongly accused.

49. The Group maintained its position that the new internal justice system should be inclusive and non-discriminatory and that the issue fell within the purview of the Fifth Committee. Staff legal assistance was another matter of the utmost importance; in that regard, the new Office of Staff Legal Assistance should provide legal advice and representation in the same manner as its predecessor, the Panel of Counsel.

50. The Group was extremely concerned by the Advisory Committee's suggestion that the new system of administration of justice might not be ready for implementation in January 2009. Noting the optimism of the Under-Secretary-General for Management that the process would soon be completed, it reiterated its commitment to establish a fully functional and effective internal justice system as soon as possible, in the interest of ensuring due process for and just treatment of staff and increasing accountability and transparency in decision-making.

51. **Mr. Sutter** (France), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and in addition, Armenia, the Republic of Moldova and Ukraine, said that the European Union

deeply regretted the late start of the Committee's discussions on the introduction of a new system of administration of justice, which had been presented as a priority. The Sixth Committee had revised its programme of work on that basis and had discussed the statutes of the Tribunals in the first three weeks of the session, so as to enable the Fifth Committee to conclude its work as early as possible.

52. The European Union continued to give high priority to the reform of the administration of justice system, which was of crucial importance to the Organization and its staff. The United Nations, which played a decisive role in developing international standards in the areas of human rights and the rule of law, must have a justice system worthy of the name. The new system, which was largely defined by the provisions of General Assembly resolution 62/228, must provide for the rapid, effective and fair administration of justice, and to that end it should be independent, transparent, professionalized, adequately resourced and decentralized. It must also comply with international law and the principles of the rule of law and a fair trial, including the right to an effective remedy, equal access to justice and the right to be heard.

53. It was also important to strike a balance between the formal and informal systems of justice. The formal system's effectiveness would largely depend on the guarantees provided regarding access to justice, equality of arms and the adequacy of remedies, on the one hand, and the legal expertise, experience and independence of the judges appointed to the two Tribunals, on the other.

54. The European Union, welcoming the progress made by the Sixth Committee in discussing and drafting the Tribunal statutes, called for the Fifth Committee to reach a decision on the issues still outstanding so that the statutes could finally be adopted. Concerning the scope of the new Tribunals, the European Union reiterated the two-step approach it had proposed in the Sixth Committee. Discussion should initially focus on the creation of a new internal justice system that would at least cover those with access to the current system, while at a later stage the United Nations, as an exemplary employer, should seek to ensure that effective remedies were available to all other categories of United Nations personnel and consider what types of recourse were most appropriate to that end.

55. Sound transitional measures, with the necessary respect for budget discipline, must be established in order to ensure a smooth transition from the current Administrative Tribunal to the new Tribunals and to inspire confidence in the new system from its inception. As underscored in the Advisory Committee's report (A/63/545), every effort must therefore be made to complete the preparatory work needed to implement the new system of administration of justice. Noting that the Secretary-General's proposals regarding limited delegation of authority did not fully respond to the General Assembly's request in resolution 62/228, as pointed out by the Advisory Committee, he stressed that the Secretariat needed to provide the Committee with full information in order to accelerate the decision-making process.

56. Aware of the historical importance to the United Nations of its new administration of justice system, which would allow it to fulfil its mandates as effectively as possible while also respecting the rights of its staff, the European Union remained determined to achieve the implementation of the new system as of 1 January 2009. It believed that such a goal was in the common interest and trusted that it was shared by all delegations.

57. **Mr. Stone** (Australia), speaking also on behalf of Canada and New Zealand, said that the United Nations should lead by example. Its staff members deserved a fair and efficient system of internal justice consistent with international law and the principles of the rule of law and due process. Such a system also underpinned all efforts to strengthen accountability, oversight and human resources management at the United Nations.

58. The three delegations had strongly supported fundamental reform of the current system and welcomed the General Assembly's decision, in its resolution 61/261, to establish a new, independent, transparent and professionalized system of administration of justice, drawing on the Redesign Panel recommendations.

59. With the deadline fast approaching, the structure and implementation details of the new system needed to be finalized. In particular, the draft statutes of the Dispute and Appeals Tribunals, which had already been largely agreed to by the Sixth Committee, must be adopted in the current session. Ensuring access to justice was particularly important in view of the intertwined issues of the award of costs and the

provision of staff legal assistance. Transitional arrangements and associated costs also needed to be finalized. Despite the challenging nature of those issues, a functional system of internal justice should be implemented at the United Nations either by 1 January 2009 or as soon as possible afterwards.

60. **Mr. Ruiz Massieu** (Mexico), speaking on behalf of the Rio Group, said that the administration of justice at the United Nations was an issue of vital importance for the career development of the Organization's staff and the protection of their rights as United Nations employees, as well as for accountability. It was therefore essential that the new system should begin to operate in January 2009, as decided by the General Assembly in resolution 61/261 and reiterated in resolution 62/228. The Group regretted that preparations for the new system's implementation were behind schedule and that the new posts approved, including the 30 posts authorized for the Office of Administration of Justice, had not yet been filled; delays had also occurred in such areas as the development of procedures for the transition phase, a code of conduct for legal practitioners, terms of reference for the registries and a training and communication plan for the new internal justice system. Nonetheless, the Organization should not wait until the system was perfect before putting it in place, since it would clearly evolve during the implementation stage. A good start would be to reach a decision on the articles of the statutes relating to financial matters and on provisions relating to staff contracts and conditions of service. It was also urgent to appoint the Executive Director of the Office of Administration of Justice.

61. Considering the staff of the United Nations to be the Organization's most valuable asset, the Rio Group had consistently endorsed measures to protect employees' basic rights in accordance with internationally accepted standards and would continue to support efforts to make the United Nations an exemplary employer able to attract and retain the best possible workforce.

62. On the issue of disciplinary measures, the Rio Group would like to know the reasons for the increase in the number of disciplinary cases and for the variations in the time required to complete them, which was of particular concern given that the Secretary-General's report (A/63/314) was devoted largely to proposals for dealing with such cases. In that connection, it concurred with the Advisory Committee on the need to address the backlog of disciplinary cases as a matter of urgency, using available resources as efficiently as possible.

63. With regard to the General Assembly's request in resolution 62/228 for the Secretary-General to provide a detailed proposal regarding possible options for delegation of authority for disciplinary measures, including full delegation, as well as an assessment of possible implications for due process rights of staff members, the Rio Group concurred with the Advisory Committee that the Secretary-General's report (A/63/314) did not assess the possible implications for staff members' due process rights and that other options for managing disciplinary cases should also be explored, with full costing, so that more serious pending cases could be dealt with more expeditiously.

64. Limited delegation of authority would not improve the administration of justice if it did not entail an effective mechanism for investigating cases and determining the application of disciplinary measures. For that reason, the Rio Group had repeatedly stressed that the establishment of sanctions at all levels of the Organization was essential to maintain a transparent and efficient system of justice and accountability.

65. The Rio Group concurred with the Advisory Committee that the strengthened Office of the Ombudsman and the new Mediation Division were key elements of the new internal justice system for facilitating the early resolution of conflicts in the United Nations; it also agreed that the report on the activities of the Ombudsman should serve as a useful information resource as the new internal justice system was put into place and should allow an assessment of the impact and effectiveness of the new methods of work. Lastly, it was vital to implement transitional measures and to analyse the extent to which pending cases could be smoothly transferred so as to provide appropriate follow-up without jeopardizing due process.

66. **Mr. Gubler** (Switzerland), speaking also on behalf of Liechtenstein, said that his country, as a Member State and a host country of the United Nations, attached particular importance to the reform of the administration of justice and was therefore in full agreement with the aim of implementing a new administration of justice system by 1 January 2009, as

established in the relevant General Assembly resolutions.

67. Noting the serious delays in the preparatory work related to the implementation of the new system, as described in the Advisory Committee's report (A/63/545), he expressed particular surprise that none of the 30 posts authorized for the Office of Administration of Justice had been filled, even though the General Assembly had asked the Secretary-General to ensure that the three posts authorized for the Office of the Executive Director were filled no later than 1 July 2008. The lack of staff and leadership in the Office of Administration of Justice had also led to delays in other important areas, particularly in relation to the Office of the Ombudsman and cost-sharing arrangements with the funds and programmes. While regretting those delays, he believed that it would not be advisable to defer implementation of the new system beyond 1 January 2009, given the pressing need for such reform.

68. The Sixth Committee had made considerable progress in drafting the statutes of the United Nations Dispute and Appeals Tribunals and was to be commended for its work; in order to maintain the momentum, the Fifth Committee must now finalize the statutes and resolve all other outstanding issues in the coming weeks.

69. Particular attention should be given to matters relating to the scope of the new system and transitional measures. Switzerland still believed that the reform of the administration of justice should allow all persons, whatever their contractual relationship with the United Nations and wherever they performed their duties, to present their case in the event of a dispute and to enjoy the right to a fair trial, where appropriate. Since, owing to time constraints, it might be difficult to fully resolve that question before 1 January 2009, Switzerland would not object to the issue's being considered in depth by the Ad Hoc Committee on the Administration of Justice at the United Nations in the spring of 2009. However, all categories of staff must have access to basic remedies, such as the informal system and the management evaluation, as of 1 January 2009. Switzerland and Liechtenstein were ready to make an active and constructive contribution to the Committee's discussions in order to achieve an acceptable compromise between resource constraints and the requirements of the new administration of justice system.

70. **Mr. Dhanaraju** (India) said that the new system of internal justice established by General Assembly resolution 61/261 was expected to improve accountability and have a positive impact on human resources management in the Secretariat. The implementation of the new system, which had been due to become operational on 1 January 2009, was behind schedule. His delegation called on the Secretary-General to expedite the completion of the preparatory work, including the filling of all vacant posts required for the implementation of the new system, and to update the timeline for its execution, pending approval by the General Assembly of the statutes of the Tribunals and the transitional measures. Given the increase in the number of disciplinary cases, all necessary steps should be taken to ensure that the backlog of cases from the old system did not overwhelm the new system at the outset. In that connection, his delegation supported the proposed transitional measures and the Advisory Committee's recommendations on the allocation of resources to finance the three ad litem judges and nine Registry staff for a 12-month period to deal with the backlog of cases.

71. Referring to the Secretary-General's proposal to delegate authority on a limited basis for disciplinary matters to heads of offices away from Headquarters and to heads of field missions, he said that in order to ensure consistency in disciplinary measures away from Headquarters, further work was required on training and the issuance of administrative instructions, guidelines, manuals and standard operating procedures.

72. The Advisory Committee had noted that the Secretary-General's proposals on the delegation of authority did not fully respond to the General Assembly's request for a report containing a detailed proposal on possible options for delegation of authority, including an assessment of possible implications for the due process rights of staff members. Before taking a final decision, the Committee must carefully examine all the unresolved issues relating to the delegation of authority for disciplinary measures.

73. His delegation urged the Secretary-General to expedite the early conclusion of cost-sharing agreements with the funds and programmes and noted that the General Assembly had approved the cost-sharing arrangement for the new system of administration of justice on the basis of headcount

rather than on the basis of actual cases disposed of, as proposed by the funds and programmes.

74. He welcomed the use of information and communication technology to improve the system for the administration of justice, including the e-filing of submissions, but drew attention in that connection to the need to ensure strict confidentiality in the interests of both the Organization and staff members.

75. In view of the critical role that the Office of the Ombudsman played in the new system, in particular by providing an informal mechanism for dispute settlement, his delegation called for expedited procedures to fill all the approved posts in the Office and in the new Mediation Division. The reports of the Office of the Ombudsman gave valuable insights into human resources management issues, including identification of a number of areas of systemic malfunction. His delegation hoped that all outstanding issues would be resolved in the coming weeks so that by January 2009 the Organization would have a fully functional system of justice, as approved by the General Assembly.

76. **Mr. Scanlon** (United States of America) said that General Assembly resolution 62/228, which outlined the first comprehensive overhaul of an internal justice system that had been in place for over 50 years, was only a first step; the Fifth Committee had many additional important decisions to take in that connection. Both the Fifth and the Sixth Committees had considered numerous divergent positions of Member States and the Secretariat, and the Sixth Committee had managed to achieve consensus on most of the outstanding issues relating to the statutes of two new Tribunals. The Fifth Committee would be called upon to address a number of outstanding issues in that connection, as well as several issues relating to the implementation of the new system.

77. He complimented the Secretariat on what it had accomplished thus far in improving both the formal and the informal systems of internal justice. The informal system had been significantly enhanced with the expansion of the Office of the Ombudsman and the creation of a Mediation Division within that Office. He noted, however, that the Advisory Committee had drawn attention to delays in filling a number of important posts authorized by resolution 62/228 and had called for clarification of the respective roles of the Office of the Ombudsman and the Ethics Office.

78. The Office of the Ombudsman played a critical role in ensuring the success of the internal justice system and in encouraging staff members to make full use of the informal system in resolving disputes. The new Mediation Division was a key element of the informal system; all parties, including the Organization, benefited when a dispute could be resolved without recourse to formal proceedings.

79. One outstanding issue was that of compensation: his Government favoured a cautious approach in the first instance and supported the continuation of the long-standing policy of imposing a cap on the award of damages. Proposals to remove the cap and to allow the award of interest and costs might expose the Organization to unlimited financial liability. Those issues could be revisited by the Member States after the Organization had acquired experience under the new system.

80. With respect to the issue of scope, his Government believed that trying to accommodate all interests, particularly at an early stage, was likely to overload the system. It was important to ensure that the new internal justice system represented an improvement over the existing system. The new system should continue to be limited to staff and should not be expanded to cover non-staff personnel, who should be offered other options for the settlement of their grievances.

81. While approving the evolution of the Panel of Counsel into the Office of Staff Legal Assistance as a significant and necessary improvement, his delegation considered that the staff of the Office should not be involved in the direct legal representation of staff members before the Tribunals. His delegation's position was in line with that of the Advisory Committee, as stated in its report (A/63/545), which called for measures to facilitate voluntary staff participation in the provision of legal assistance.

82. In order to succeed, the new system must be unencumbered by a backlog of cases from the old system. As the two systems were dissimilar, any cases that had already progressed to the Joint Appeals Board or the Joint Disciplinary Committee by 31 December 2008 should be processed under the current system and not transferred to the new one.

83. In conclusion, while his delegation supported in principle the Secretary-General's proposals on limited delegation of authority for disciplinary measures, in the

interest of truly decentralizing the system, it nonetheless had some concerns and wished to discuss the issue further.

84. **Mr. Torres Lépori** (Argentina) recalled that General Assembly resolution 61/261 had called for the new system of justice to be operational by 1 January 2009 and that resolution 62/228 had set other deadlines for a variety of internal structures that were to have come into operation during 2008. Despite the delay in implementing the new system, his delegation felt that it was still possible to meet the January deadline; what was required was the political will to arrive at consensus solutions.

85. Perhaps the most worrying aspect of the delay was the fact that the Executive Director of the Office of Administration of Justice had still not been appointed even though resolution 62/228 had requested the Secretary-General to ensure that the position was filled no later than 1 July 2008. His delegation believed that the process of introducing the new system had suffered because of the resulting lack of leadership.

86. On the other hand, the Internal Justice Council had already considered a large number of candidates for appointment as judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. He hoped that the General Assembly would be able to take action without delay on filling those posts. The finalization of the statutes of the Tribunals would also help bring the process back into conformity with its original timetable.

87. The Member States, which had originally requested the reform proposals and had set the timetable for their implementation, had a fundamental obligation to ensure that the new system went into operation in January 2009. Over the next few weeks the Committee should take the decisions that would set up a modern, efficient, independent and decentralized system for the administration of justice, with emphasis on the informal settlement of disputes.

88. **Mr. Kishimoto** (Japan) said that his delegation attached importance to the reform of the internal justice system, which would have a positive impact on staff-management relations and improve the performance of both staff and management. The Member States had agreed that emphasis should be placed on the informal system for resolving disputes and had allocated the corresponding resources, in particular for the efficient functioning of the Office of the Ombudsman and of informal mediation. It would be very regrettable if those resources were not used in 2008.

89. The formal two-tier system should be as efficient as possible and should be open to the same categories of personnel as the old system. In the light of experience, the scope of the system might subsequently be broadened to include non-staff personnel.

90. Even though positions in the Office of Administration of Justice had not been filled by the deadline of 1 July 2008 set by the General Assembly, Member States and the Secretariat should do their utmost to bring the new system into operation on time. Regarding transitional measures, his delegation took the view that, as the existing backlog of cases could not be cleared before the new system went into operation, consideration should be given to the idea of continuing to use the current system to dispose of all pending cases. As part of that solution, the payment of honorariums should be considered.

91. His delegation agreed with the Advisory Committee that the necessary guidelines, procedures and safeguards should be established for the delegation of authority for disciplinary matters. Any arbitrary or inconsistent use of delegated authority would do great damage to staff-management relations.

92. On the subject of legal services for the staff, he said that measures to strengthen the work of the Office of Staff Legal Assistance should be devised at a later stage, in the light of experience. For the moment, however, the Secretary-General should work to establish the staff-funded scheme which the General Assembly had repeatedly requested.

93. A cost-sharing methodology based on headcount had been approved by the General Assembly, which had requested the Secretary-General to conclude an agreement with the relevant funds and programmes by July 2008. It was regrettable that insufficient progress had been made on that matter, which his delegation considered a prerequisite for putting the new system of administration of justice into operation.

94. **Mr. Chumakov** (Russian Federation) said that his delegation supported efforts to improve the administration of justice in the United Nations, as an important contribution to strengthening the rule of law. The reform included measures to facilitate the informal settlement of disputes and to replace the United

Nations Administrative Tribunal with two new bodies, the United Nations Dispute Tribunal and United Nations Appeals Tribunal. However, those formal changes were insufficient; what was necessary was a qualitative reform of the mechanism for resolving labour disputes.

95. The draft statutes for the two new Tribunals had been approved in the Sixth Committee, but some fundamental questions had remained unresolved and required the consideration of the Fifth Committee. Those matters included the limits of the jurisdiction of the two new Tribunals and the range of individuals who would have access to them. That led to the question of transitional measures, which should provide for the uninterrupted and effective consideration of cases without entailing excessive costs. Any steps in that area should be carefully assessed in terms of their possible long-term consequences for the Organization. Lastly, considering that the new system was to have been operational with effect from 1 January 2009, efforts should be made to adhere to that time frame, though without comprising the quality of the decisions that were to be taken in that connection.

Other matters

96. **Mr. Hunte** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that the Group was concerned about the long delays in the construction project at the United Nations Office at Nairobi that had resulted from bad decision-making, poor management and non-adherence to the chain of command. The Committee had been considering the issue for seven years and had consistently rubber-stamped the project despite the presence of serious violations and anomalies.

97. The Group was also concerned about the way in which the informal consultations on the issue had been conducted a few days earlier. In particular, the presentation of the Group's questions had been mediocre at best, if not incorrect or false. The Secretariat seemed to believe that there had been some lapse in the memory of the Group's members. What they had heard from the Director-General of the United Nations Office at Nairobi seemed to conflict with what had been presented by the Secretariat.

98. The onus was on the Secretariat to capture most of the information in the informal consultations. At a minimum, it should transmit correct information. The issue of the Nairobi construction project appeared to be deemed less important than others. Unless such matters could be captured in informal consultations, he would insist on a formal meeting to ensure that statements were accurately recorded.

99. **Ms. Pataca** (Angola), speaking on behalf of the Group of African States, said that the Group was concerned about the apparent lack of commitment and accountability in executing the construction project in Nairobi, as had been demonstrated by the inadequate and inconsistent answers provided to Member States on the issue. Adherence to the chain of command in the Secretariat was crucial: there was a need for senior management involvement in the execution of the project, including proper monitoring.

100. On a related matter, she pointed out that the Fifth Committee secretariat was responsible for keeping an accurate record of the Committee's deliberations, including in informal consultations, and for providing technical guidance and facilitating follow-up of responses to questions raised by Member States. She therefore regretted the recent incident in which the secretariat had informed Member States that the Committee had inaccurately understood and recollected remarks by the Director-General of the United Nations Office at Nairobi. The matter should be considered in a formal meeting for the sake of transparency, record-keeping and progress; the Group was no longer prepared to discuss it at the informal level.

101. **Mr. Olago Owuor** (Kenya) said that the Nairobi project had been approved in 2001, yet no construction had been done to date. He wondered how the related loan could already have been repaid in full when that was the case, and asked whether the project had been unsupervised. There must be a clear chain of command in the United Nations Office at Nairobi so that the project could proceed as recommended by the Fifth Committee. Moreover, the project must be monitored and reported on at Headquarters. He called for sincerity from the Secretariat in responding to questions from Member States. In particular, the Fifth Committee secretariat had claimed to have no record of certain points that had been made, inter alia, by the Director-General of the United Nations Office at Nairobi. All issues must be discussed fully, so that the project could be fully implemented.

102. **Mr. Brant** (Brazil) said that the matter under discussion was just one example of the lack of accountability and transparency in the Organization. To make informed decisions, Member States must be presented with clear facts. The Secretariat must be clear about what was needed to fulfil mandates. Further, it must be impartial and must not pre-empt the views or decisions of Member States. He joined in the request to discuss the matter in a formal meeting.

103. **Mr. Cumberbatch Miguen** (Cuba) said that his delegation regretted having to resort to a formal meeting to discuss the issue of the construction project in Nairobi. Member States had been receiving contradictory information and some Secretariat officials had been correcting information that had been provided earlier. Similar problems had arisen in relation to other issues as well. Unfortunately, it was necessary to discuss the construction in Nairobi in a formal meeting in order to ensure that the Committee's deliberations were properly recorded.

104. **Mr. Tawana** (South Africa) said that his delegation had been appalled by what had happened in the informal consultations on the construction project in Nairobi. Questions had been posed following the briefing by the Director-General of the United Nations Office at Nairobi, all of which had been consistent with her statements. Later, the Committee had been given a contradictory account of those statements.

105. He wondered what the organizing premise was with regard to construction projects, particularly in Africa. One excuse after another had been given for the delays in the Nairobi project, but there had been no progress. In addition, the original cost estimate of some $5 million had increased to $25 million. He had posed a clear question about whether a project team was in place, whether it was competent to perform the task at hand and who had established the team. It was unacceptable for Member States to be told that their recollection was deficient and inaccurate. He wondered whether that had occurred because the truth on the ground was too difficult to face. He also wished to know whether the Office of Internal Oversight Services had conducted an audit of the project in the previous seven years.

106. He fully supported the proposal to discuss the item in a formal meeting, because he had lost confidence in the informal consultations. The construction projects in Nairobi and Addis Ababa must be treated equally and fairly, and accountability was needed.

107. **Ms. Molemele** (Botswana) expressed concern about the delays in the Nairobi construction project and requested information on accountability and the lines of reporting on the project. It was her understanding that the Fifth Committee secretariat was responsible for preserving institutional memory, yet the Committee had been told that information from the informal consultations could not be provided. She asked for clarification in a formal meeting, as her delegation had lost faith that the matter could be adequately dealt with informally.

108. **Mr. Dodo** (Nigeria) said that he was disappointed with the handling of the matter in Nairobi. The project had been under way for seven years, yet it had taken over three weeks to answer the questions that had been raised. Those responding had brought written answers that were inconsistent with what had actually been asked. He called for the Secretariat to answer questions correctly and for the matter to be taken up in a formal meeting.

109. **Mr. Sene** (Senegal) said that he was deeply concerned by the delays in implementing the construction project in Nairobi and by the opaque way in which the Secretariat had been dealing with the issue. He joined others in calling for the issue to be taken up in a formal meeting.

110. **Ms. Kane** (Under-Secretary-General for Management), responding to the concerns raised, said that the Secretary-General's bulletin (ST/SGB/2008/7) clearly defined the responsibilities of the Director-General of the United Nations Office at Nairobi. That official was accountable to the Secretary-General and was responsible for all activities in Nairobi, including facilities management. The Director-General was responsible for the implementation of the construction project, and the Chief of Administrative Services had been delegated full financial and procurement authority to complete both the modernization and the new office facilities projects.

111. As for the difficulties and cost escalation that had beset the construction project, the Committee was aware that there had been problems with the initial architect. Changes had also been made to the original design and security features had been added, resulting in the increased cost estimate. The previous Director-General had started the project and the current one had

taken over. All were in agreement on the need to move forward. The level of staffing would be evaluated as the project progressed. Dedicated resources and all the necessary management structures were in place. The role of Headquarters was to provide overall guidance and advice, disseminate policy and define common approaches for efficient management. It was impossible, however, for Headquarters to be totally responsible for the project's execution.

112. She was concerned by the perception that projects on different continents were treated differently. Among other things, it was important to recall that the United Nations actually owned the facilities in Nairobi and Addis Ababa, while the complex in Vienna, for example, was owned by the host Government.

113. The Fifth Committee secretariat was extremely small but very able. Its services had been rated "above satisfactory" by a high percentage of Member States in the latest survey. It was impossible, however, to keep a verbatim record of informal consultations. Questions were carefully written down and Secretariat officials faithfully tried to answer them as quickly as possible. In the previous six weeks, the Secretariat had provided 1,357 pages of responses in the interests of transparency and of meeting the Member States' concerns.

114. **Mr. Abelian** (Secretary of the Committee) explained that every question from Member States was noted down and followed up with the relevant substantive departments. However, it was not possible for one person to record every word of the informal consultations. In formal meetings, a number of people were responsible for preparing the summary records and press releases. In addition, formal meetings were recorded in digital audio files, while informal consultations were not. His staff also took note of statements made by Secretariat officials at the informal briefings, but could not keep a record of each one. The secretariat did its utmost to facilitate the Committee's work.

115. **Mr. Tawana** (South Africa), in a follow-up question, again asked whether the Office of Internal Oversight Services had been requested to look into the project, and with what result. While he did not expect the Committee secretariat to take down every word of the informal consultations, he wondered why it had accurately captured the Committee's questions but not the comments made by the project team. Lastly, he asked whether the Under-Secretary-General for Management could state categorically that progress would be made on the project within the following six months.

116. **Ms. Kane** (Under-Secretary-General for Management) said that she was unaware of any audit conducted by the Office of Internal Oversight Services, but that other external and internal audits of all Secretariat activities were always ongoing.

117. **Mr. Adlerstein** (Assistant Secretary-General for the Capital Master Plan), responding to the question regarding the status of the construction project, said that progress had indeed been made in the previous seven years. Organization of the initial preparations and funding had taken until 2004, at which time the architects had been selected. Their work had proved unacceptable, and new architects had been selected in early 2007. Since preparation of the design and construction documents constituted half the work of any project, the fact that the construction documents were ready represented significant progress. All that remained for construction to begin was for the Committee to approve funding.

The meeting rose at 12.50 p.m.